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7/3/02



A handwritten signature in black ink, appearing to read "Michael A. Jaskolski".

Michael A. Jaskolski Reg. No. 37,551

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carlos De La Huerga
Serial No.: 09/247,349
Filed: February 10, 1999
Title: METHOD AND SYSTEM FOR AUTOMATED DATA STORAGE AND RETRIEVAL
Art Unit: 2771
Docket: 250591.90112

Assistant Commissioner for Patents
Washington DC 20231

Box: Non-fee Amendment

Dear Sir:

RECEIVED
JUL 16 2002
Technology Center 2100

In response to the Notice of Allowance dated April 3, 2002, please amend the above application as follows.

RESPONSE TO NOTICE OF ALLOWANCE AND PRELIMINARY REMARKS

The above referenced Office Action has been carefully reviewed and reconsideration of this application is respectfully requested in view of the following remarks.

1-2. In the Notice of Allowance the Examiner indicates that the closest prior art to the claimed invention is Doue and that claims 1 – 43 in the present application have been allowed because Doue fails to provide "linking first record references to a first record wherein the references are in a second record" (hereinafter "the linking limitation"). Applicant agrees that Doue fails to teach or suggest this limitation.

Nevertheless, after receiving the notice of allowance in the present case and prior to paying the issue fee, Applicant performed a supplemental prior art search to

further ensure novelty of the claimed invention. During the supplemental search Applicant identified several references including US patent No. 5,708,825 (hereinafter "the '825 patent"), US patent No. 6,128,635 (the '635 patent"), US patent No. 5,822,539 (hereinafter "the '539 patent") and US patent No. 5,815,830 (hereinafter "the '830 patent") that Applicant believes represent better prior art than the art previously considered by the Examiner.

Nevertheless Applicant points out that virtually every one of the independent claims in the present application require limitations in addition to the linking limitation that Applicant believes distinguish the claims over the cited references. To this end, Applicant believes that none of the references teach or suggest using information from a second record to form an address for a first record as required by each of claims 1 and 26, a processor that forms an address using information from a record and then stores the record at the address as required by each of claims 12 and 36, creating a master control file as required by claim 20, or using a data reference to identify a record address for storing a record and then storing the record at the record address as required by claim 22.

In addition to the references Applicant located in the recent search referenced above, Applicant is submitting copies of patents cited in the some of the parent cases related to the present case for review by the Examiner. While Applicant has not reviewed all of the references cited in the accompanying 1449 in great detail, a perusal of the references has lead Applicant to believe that the four references cited above are the most relevant. Please consider the patents and other references cited in the accompanying IDS in the above referenced application.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1 through 43 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to


Carlos De La Huerga
USSN: 09/247,349
PRELIMINARY AMENDMENT
Page 3

enter this amendment, however, if an additional fee is required, please charge
Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

Date: 7/3/02

By: 
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Approved for use through 10/31/2002. OMB 0651-0032

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 370.00)

Complete if Known

Application Number	09/247,349
Filing Date	02-10-99
First Named Inventor	Carlos De La Huerqa
Examiner Name	
Group Art Unit	2771
Attorney Docket No.	250591.90112

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 17-0055

Deposit Account Name Quarles & Brady LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20**	=		X		= 0.00
Independent Claims		-3**	=		X		= 0.00
Multiple Dependent							

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	370.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 370.00)

SUBMITTED BY

Name (Print/Type) Michael A. Jaskolski

Registration No. (Attorney/Agent) 37,551

Complete (if applicable)

Telephone 414.277.5711

Signature

Date 7/3/02

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